Saint Paul Planning Commission City Hall Conference Center 15 Kellogg Boulevard West

Minutes July 24, 2009

A meeting of the Planning Commission of the City of Saint Paul was held Friday, July 24, 2009, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Mmes. Donnelly-Cohen, Faricy, Lu, Morton; Smitten, Thao, Wencl; and

Present: Messrs. Alton, Bellus, Commers, Gordon, Johnson, Kramer, Margulies, Nelson,

Schertler, Spaulding, and Ward.

Commissioners

Absent:

Ms. *Porter and Mr. *Goodlow.

*Excused

Also Present: Donna Drummond, Planning Administrator; Allen Lovejoy, Patricia James,

Penelope Simison, Merritt Clapp-Smith, Kate Reilly, Tia Anderson, and Sonja

Butler, Department of Planning and Economic Development staff.

I. Approval of minutes July 10, 2009.

<u>MOTION</u>: Commissioner Wencl moved approval of the minutes of July 10, 2009. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.

II. Chair's Announcements

Chair Alton had no announcements.

III. Planning Administrator's Announcements

Donna Drummond reported that the Department of Planning and Economic Development, headed by Cecile Bedor, announced a reorganization of the department last week. Ms. Drummond distributed a copy of the reorganization chart. One of the biggest change is that instead of being organized in geographic teams, PED is now organized into functional areas, which is the way PED was organized back in the mid-90's. There is a planning team, housing team, and economic development team, and all the planners are in the planning team under the supervision of the planning administrator.

On Wednesday the City Council approved an ordinance regarding Public Art. It requires that for city capital improvement projects, such as parks facilities, libraries and fire stations set aside 1% of the capital improvement budget for public art, and an additional 0.5% of funds allocated to capital maintenance projects in the capital improvement budget be set aside for ongoing maintenance of public art. Other items on the agenda related to two transit corridor commissions that are being organized, and appointments of City representatives and alternates to each. Councilmember Kathy Lantry was appointed for the I-94 Commission, which addresses the

corridor east of downtown, and Councilmember Russ Stark was appointed for the High Speed Rail Commission, which is addressing high speed rail from the Twin Cities to Chicago. Allen Lovejoy was appointed as alternates for both.

IV. Zoning Committee

OLD BUSINESS

#09-073-792 Archer Daniels Midland Co. – Conditional Use Permit for addition to accessory structure in the floodway. 575 Drake Street, area Southeast of Watson and Drake. (*Sarah Zorn*, 651/266-6570)

<u>MOTION</u>: Commissioner Morton moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions.

AMENDMENT TO MOTION: Commissioner Spaulding moved to amend the resolution to include condition number seven that the plans as required by section 9A of old resolution be added. Commissioner Gordon seconded the motion. The motion carried unanimously on a voice vote.

Commissioner Nelson had a question regarding the condition that the structure never be made habitable as defined by the Minnesota States Building Code.

Patricia James said this was added at the request of the Department of Natural Resources to make sure that no plumbing facilities are ever added to the structure.

The main motion carried unanimously on a voice vote.

NEW BUSINESS

#09-089-752 Walgreens (Ford Parkway) – Site plan review for a new Walgreen's Drug Store. 2101 Ford Parkway. (*Tom Beach*, 651/266-9086)

Commissioner Morton reported that the Zoning Committee laid this case over to the July 30, 2009 meeting.

Commissioner Morton announces the items on the agenda for next meeting on July 30, 2009.

V. Comprehensive Planning Committee

Commissioner Donnelly-Cohen announced that their next meeting is on Tuesday August 4, 2009.

VI. <u>Travel Demand Management Plan for City of Saint Paul Employees</u> – Presentation by Planning Staff. (Merritt Clapp-Smith, 651/266-6547 and Tia Anderson, 651/266-6562)

Merritt Clapp-Smith gave a power point presentation on (TDM) Travel Demand Management. She explained what TDM is, why Saint Paul is looking at it, why a survey has been launched citywide and how it relates to the parking code. TDM is a general term used for figuring out how to use transportation resources more efficiently and in particular to reduce single-occupancy

vehicle trips. Components of TDM can include transit, ride share and car pooling, walking, use of share vehicles and flex scheduling. The City of Saint Paul for a number years has supported a number of these different measures to help reduce single car trips downtown. The new Comprehensive Plan Transportation Chapter has a policy to expand commuter options with TDM. The citywide parking code update may propose TDM policy for large employers. Before adding TDM policy, the city wants to better understand the effort required to implement a TDM plan and realistic trip reduction outcomes. For these reasons, a TDM survey and plan for City employees are being launched under the guidance of Sustainable Saint Paul and the Mayor's office.

Tia Anderson, an intern with PED, is helping with the parking code revisions for off-street parking requirements. TDM has become part of that study. Ms. Anderson said that the TDM survey for City employees went out July 22nd. Originally they were targeting just downtown Saint Paul employees in City Hall and City Hall Annex. However, this was presented to the department directors and there was a very positive response. All the directors except Fire and Police wanted to be a part of the TDM survey. The City is working with Saint Paul's Travel Management Organization, Smart Trips, to administer the online survey and compile recommendations based on the survey's results. The survey will help understand employees' preferences around commute modes, rationale for why employees take certain commute modes and potential incentives to change their commute modes from single-occupancy vehicle to other more environmentally friendly ways of commuting. Ms. Anderson showed samples of the survey. When the survey closes on July 29th Smart Trips will compile all the information into a report with recommendations on other activities the City can take forward or to continue existing TDM activities. PED and Smart Trips plan to work with the City's Sustainable Saint Paul initiative in the Mayor's office to move those recommendations forward.

Commissioner Nelson questioned why the Police and Fire Departments are not a part of this survey.

Ms. Clapp-Smith said that when they talked to Smart Trips about who it works to do these plans for, they said that typically you get the most success with a physically concentrated set of employees, such as those in the City Hall and City Hall Annex buildings. The TDM survey was also discussed at a department heads meeting and a number of departments not in downtown requested to be added to the survey. However, the Fire and Police departments declined the invitation to be added.

Commissioner Nelson said that we should strongly encourage all employees to participate in TDM strategies.

Ms. Clapp-Smith agreed and said that they can talk with Smart Trips about appropriate places to apply the strategies and how they might fit for the dispersed Fire and Police facilities.

Commissioner Smitten asked whether the survey asked about commuter choices that people are making and the reasons why they are making or not making those choices. Commissioner Smitten also asked if there might be health insurance incentives for employees shifting to alternative modes of transportation. Could the TDM effort be coordinated with the Active Living grant that the City is participating in?

Ms. Anderson said to answer the first question yes, in terms of inquiring about their motive and the rationale for it. In terms of working with health insurance companies it is not something that has been explored yet. It is definitely something worth looking at with Smart Trips.

Commissioner Johnson asked if the City has looked at flexible scheduling and /or e-commuting as a way of minimizing the number of trips downtown.

Ms. Clapp-Smith said it was talked about and is a sensitive topic because government offices have a mixture of employees, some of whom need to be in the office during defined hours for communicating with the public and receiving office visits. Other employees have less of a public interaction role. Therefore, finding a fair balance between who gets to use the flex scheduling and telecommuting and who doesn't can be very sensitive. If the TDM survey results seem to indicate to Smart Trips that either of these strategies is something the City should look more seriously at, then the conversation will go to the Mayor's office and the department directors to think about.

Chair Alton asked whether a similar survey would be done for private employees and private employers.

Ms. Anderson said yes, as part of the parking requirement code revisions they are looking at how a TDM requirement could be added for private employers. They have been talking with other cities that already have TDM policies for new development projects, as well as Smart Trips, to determine whether there is a threshold for larger employers versus smaller employers, based on their location and parking requirements. The direction now is to get these private employers to work with Smart Trips to do a similar activity to what the City is undertaking.

VII Neighborhood and Planning Committee

<u>Saint Paul Downtown Airport Overlay Zoning District</u> – Approve comments on ordinance proposed by the Joint Airport Zoning Board. (*Allen Lovejoy*, 651/266-6226)

Allen Lovejoy gave a power point presentation. He talked about the purpose of the draft ordinance, saying it is primarily to deal with safety issues around the airport, both on the ground and in the air. The state and federal governments are mandating that these kinds of regulations around Holman Field be done. Mr. Lovejoy said state statute established a Joint Airport Zoning Board for each airport, which includes representatives of the jurisdictions affected, plus two representatives of the Metropolitan Airport Commission (MAC) and an independent chair. The Joint Airport Zoning Board is then charged with making an initial proposal, holding a hearing, amending the proposal, and then sending it to the Minnesota Department of Transportation (MnDOT) Commissioner for concurrence. Why the MNDot Commissioner? It is because MNDot has an office of aeronautics that does a lot of ongoing research about safety around airports, and is the statewide planning body to deal with airport safety issues.

The MNDot Commissioner reviews the proposed ordinance, makes a recommendation, then sends it back to the Joint Airport Zoning Board. There is a second hearing by the Joint Airport Zoning Board based on the revised ordinance, and the ordinance is again sent back to the MNDot commissioner for final concurrence. After the commissioner of transportation signs off on the ordinance it is then directed to the individual cities, in this case Saint Paul, South Saint Paul and West Saint Paul. The cities are then responsible for crafting language that fits the ordinance into

each city's zoning code that meets the specific as well as the general intent of that model ordinance. The Planning Commission will be getting the proposed City zoning code amendments for review and public hearing early next year. The amendments will go through the normal Zoning Code amendment process, with recommendations going to the City Council for public hearing and final adoption.

Finally the City will administer the code requirements, but variances on height would go to a MAC variance board.

Chair Alton asked what legal constraint we are under to adopt these requirements into the City's zoning code.

Mr. Lovejoy said the legal constraint is that state statute specifies that if cities do not adopt something within a reasonable period, MAC may come in and regulate land around the airport until the City does.

Commissioner Gordon asked what is in the federal or state mandates that requires the City to participate in this joint airport zoning and prohibits the City from creating a safe zone around the airport on its own, at least as far as lands in the city of Saint Paul are concerned.

Mr. Lovejoy said that he cannot quote the specific of state statute, but it is very directive and explicit in terms of process and how it should be administered, once the code is adopted.

Mr. Lovejoy went on to explain how the building height restrictions are determined, stating this is probably the most complex part of the regulations. It's based on a couple of different factors, including distance from the runways, the natural topography, and a glide path formula of the Federal Aviation Administration. He explained there are two sets of zones, one that defines permitted land uses, and another zone which defines building height regulations by area.

Mr. Lovejoy distributed a draft of recommended comments that the Planning Commission could consider sending to the Joint Airport Zoning Board.

<u>MOTION TO AMEND</u>: Commissioner Wencl moved to revise the #4 paragraph that addresses the variance process to simply state that variances from the height limitations should be handled by each city. Commissioner Gordon seconded. The motion carried unanimously on a voice vote.

Commissioner Kramer said that another issue to explore is the criteria that is laid out for approval of variances. Most of the variances people would be asking for would be directly related to economic benefit and those are not allowed for regular variances that the City handles.

Commissioner Spaulding said that he could not be supportive of the MAC alone deciding the variances and he agrees with Commissioner Wencl's suggestion.

Commissioner Schertler is concerned about the interaction between the City and all these other jurisdictions, which have a more single purpose interest. For example, the Riverfront Corporation and the Capitol Area Architectural and Planning Board, like MAC, have more singular missions, whereas the local city government must balance a lot of competing interests and would be better capable of deciding variances, weighing all these factors.

Commissioner Gordon wanted to be specific regarding Commissioner Wencl's motion. Regarding #4, it should simply state that "variances for height limitations should be handled by each city". Commissioner Gordon does not agree with the comment as written, where a distinction is made between having a lot of variances and the possibility of having only a few, meaning that if there are a lot then the city should handle it and if there are a few then MAC should handle it. He said that MAC should not handle variances period and that all variances should be handled by each respective city.

Mr. Lovejoy understands this to be a replacement for the language.

Commissioner Commers recommended that the ordinance eliminate downtown Saint Paul from height limitations by excluding it from Zone C.

Chair Alton recognized Matt Anfang, president of the Saint Paul Building Owners and Managers Association, asking him if he would like to say a few words.

Mr. Anfang said that he thinks some of the remedies to the ordinance that have been proposed by Mr. Lovejoy will make it more conducive to downtown development and improvement. He said the height restrictions are overly restrictive and unnecessary. BOMA supports a recommendation that would allow the variance process to be conducted by the City of Saint Paul.

Commissioner Kramer had received comments from Mary Brower who was in attendance today but had to leave. Ms. Brower resides in the brown stone buildings constructed on Payne Avenue in the Railroad Island neighborhood. The community there is very concerned about the impact in one part of the ordinance that talks about restrictions on activities of "major human congregation." There is a proposal on Railroad Island to construct an event center that is seeking Neighborhood STAR (Sales Tax Revitalization) funding. Ms. Brower requests that the City clarify that this type of use would be permitted under the existing established neighborhoods clause. Commissioner Kramer supports this, and other similar uses in established neighborhood.

Commissioner Kramer also suggested that the transition from downtown to the East Side neighborhoods needs to be infilled with development of intensity similar to that in Lafayette Park. Further clarification is needed from MAC as to what would be allowed in this area.

More discussion followed.

Commissioner Nelson remarked about the continuing need to further sustainability and green development, regardless of height and land restrictions. That suggests the need to continue development of the Bruce Vento Nature Sanctuary, including development of the Interpretative Center, as well as building to higher intensities downtown, which are inherently more energy-efficient and sustainable.

Chair Alton clarified that the recommendations as modified will be left up to Allen Lovejoy's discretion to include whatever rationale he determines is appropriate.

<u>MOTION</u>: Commissioner Wencl moved to approve the recommendations as revised. Commissioner Gordon seconded the motion.

There was discussion to clarify that a motion was needed to approve the entire set of comments as revised during the preceding discussion.

<u>MOTION</u>: Commissioner Wencl moved to approve the recommendations as revised. Commissioner Donnelly-Cohen seconded the motion. The motion carried unanimously on a voice vote.

VIII.	Communications Committee	
	No report.	
IX.	Task Force Reports	
	None	
Χ.	Old Business	
	None	
XI.	New Business	
	None	
XII.	Adjournment	
	Meeting adjourned at 10:48 a.m.	
Recorded and prepared by Sonja Butler, Planning Commission Secretary Planning and Economic Development Department, City of Saint Paul		
Respectfully submitted,		Approved(Date)
Donna Drummond Planning Administrator		Marilyn Porter Secretary of the Planning Commission